

**SEVENTY-SIXTH DAY - MAY 13, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**  
**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 13, 2013

**PRAYER**

The prayer was offered by Pastor Rebecca Hjelle, First United Methodist Church, Blair.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators K. Haar, Karpisek, Krist, Lautenbaugh, Murante, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 10, 2013, at 1:20 p.m. were the following: LBs 3e, 99, 299, 384e, 384Ae, and 476.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

May 10, 2013

Mr. President, Speaker Adams and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Michelle Bucklin, 8092 Keystone Drive, Omaha, NE 68134  
 Joseph Citta Jr., 1518 Kozy Drive, Columbus, NE 68601  
 Mark Czaplewski, 2747 Lakewood Dr., Grand Island, NE 68801  
 Rodney Gangwish, 52685 70th Road, Shelton, NE 68876  
 Robert Hall, 957 N. Beech, Wahoo, NE 68066  
 Lance Hedquist, 1615 1st Avenue, South Sioux City, NE 68776  
 Alden Zuhlke, 52771 860 Road, Brunswick, NE 68720

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 181.** Introduced by Sullivan, 41.

**PURPOSE:** The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.** Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33.

**PURPOSE:** To study alternatives for the financing and delivery of public early childhood, elementary, and secondary education in Nebraska. This study shall coordinate with any legislative study of the Nebraska tax system conducted during 2013 and shall seek input from school districts, taxpayers, students, parents, teachers, educational service units, the State Board of Education, and other experts and interested parties on the issues of financing, costs, and the delivery of education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **MOTION - Approve Appointments**

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1265:

Motor Vehicle Industry Licensing Board  
 Blake Dillon  
 William Reeg

### **SPEAKER ADAMS PRESIDING**

Voting in the affirmative, 34:

Adams	Chambers	Hansen	Lathrop	Schilz
Ashford	Coash	Harms	McCoy	Schumacher
Bloomfield	Cook	Howard	McGill	Seiler
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Nelson	Wallman
Campbell	Gloor	Kintner	Nordquist	Watermeier
Carlson	Hadley	Kolowski	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Conrad	Harr, B.	Scheer
Christensen	Crawford	Larson	Smith

Excused and not voting, 7:

Haar, K.	Krist	Murante	Wightman
Karpisek	Lautenbaugh	Price	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 543.** Title read. Considered.

Senator McCoy offered the following motion:

MO67

Bracket until June 5, 2013.

Senator McCoy withdrew his motion to bracket.

Senator Coash offered his amendment, AM865, found on page 1139.

Senator McCoy requested a division of the question on the Coash amendment.

The Chair sustained the division of the question.

The first Coash amendment is as follows:

AM1367

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-104, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-104 The terms offense and crime are synonymous as used
- 6 in this code and mean a violation of, or conduct defined by, any
- 7 statute for which a fine, ~~or imprisonment, or death~~ may be imposed.
- 8 Sec. 2. Section 28-105, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 28-105 (1) For purposes of the Nebraska Criminal Code and
- 11 any statute passed by the Legislature after the date of passage of
- 12 the code, felonies are divided into ~~nine-eight~~ classes which are
- 13 distinguished from one another by the following penalties which are
- 14 authorized upon conviction:
- 15 ~~Class I felony- Death~~
- 16 ~~Class IA felony- Life imprisonment~~
- 17 Class IA felony Life imprisonment without possibility of parole
- 18 Class IB felony Maximum - life imprisonment
- 19 Minimum - twenty years imprisonment
- 20 Class IC felony Maximum - fifty years imprisonment
- 21 Mandatory minimum - five years imprisonment
- 22 Class ID felony Maximum - fifty years imprisonment
- 23 Mandatory minimum - three years imprisonment
- 1 Class II felony Maximum - fifty years imprisonment
- 2 Minimum - one year imprisonment
- 3 Class III felony Maximum - twenty years imprisonment, or
- 4 twenty-five thousand dollars fine, or both
- 5 Minimum - one year imprisonment
- 6 Class IIIA felony Maximum - five years imprisonment, or
- 7 ten thousand dollars fine, or both

8 Minimum - none  
 9 Class IV felony Maximum - five years imprisonment, or  
 10 ten thousand dollars fine, or both  
 11 Minimum - none

12 ~~(2)-(2)(a)~~ All sentences of imprisonment for Class IA,  
 13 IB, IC, ID, II, and III felonies and sentences of one year or  
 14 more for Class IIIA and IV felonies shall be served in institutions  
 15 under the jurisdiction of the Department of Correctional Services.

16 (b) Sentences of less than one year shall be served in  
 17 the county jail except as provided in this subsection. If the  
 18 department certifies that it has programs and facilities available  
 19 for persons sentenced to terms of less than one year, the court  
 20 may order that any sentence of six months or more be served  
 21 in any institution under the jurisdiction of the department. Any  
 22 such certification shall be given by the department to the State  
 23 Court Administrator, who shall forward copies thereof to each judge  
 24 having jurisdiction to sentence in felony cases.

25 (3) Nothing in this section shall limit the authority  
 26 granted in sections 29-2221 and 29-2222 to increase sentences for  
 27 habitual criminals.

1 (4) A person convicted of a felony for which a mandatory  
 2 minimum sentence is prescribed shall not be eligible for probation.

3 Sec. 3. Section 28-303, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 28-303 A person commits murder in the first degree if  
 6 he or she kills another person (1) purposely and with deliberate  
 7 and premeditated malice, or (2) in the perpetration of or attempt  
 8 to perpetrate any sexual assault in the first degree, arson,  
 9 robbery, kidnapping, hijacking of any public or private means of  
 10 transportation, or burglary, or (3) by administering poison or  
 11 causing the same to be done. Murder in the first degree is a Class  
 12 IA felony. ~~; or if by willful and corrupt perjury or subornation of~~  
 13 ~~the same he or she purposely procures the conviction and execution~~  
 14 ~~of any innocent person. The determination of whether murder in the~~  
 15 ~~first degree shall be punished as a Class I or Class IA felony~~  
 16 ~~shall be made pursuant to sections 29-2519 to 29-2524.~~

17 Sec. 4. Section 29-1602, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 29-1602 All informations shall be filed in the court  
 20 having jurisdiction of the offense specified ~~therein,~~ in the  
 21 informations, by the prosecuting attorney of the proper county as  
 22 informant. The prosecuting attorney shall subscribe his or her name  
 23 thereto and endorse thereon the names of the witnesses known to him  
 24 or her at the time of filing. After the information has been filed,  
 25 the prosecuting attorney shall endorse on the information the names  
 26 of such other witnesses as shall then be known to him or her as the  
 27 court in its discretion may prescribe. ~~except that if a notice of~~  
 1 ~~aggravation is contained in the information as provided in section~~  
 2 ~~29-1603, the prosecuting attorney may endorse additional witnesses~~

3 at any time up to and including the thirtieth day prior to the  
4 trial of guilt.

5 Sec. 5. A sentence of life imprisonment without  
6 possibility of parole imposed for a Class IA felony means that,  
7 subject only to the constitutional power of the Board of Pardons in  
8 Article IV, section 13, of the Constitution of Nebraska to modify  
9 such sentence by commutation, a person so sentenced shall not under  
10 any circumstances whatsoever be paroled.

11 Sec. 6. The changes made by this legislative bill shall  
12 not (1) limit the discretionary authority of the sentencing court  
13 to order restitution as part of any sentence or (2) alter the  
14 discretion and authority of the Department of Correctional Services  
15 to determine the appropriate security measures and conditions  
16 during the confinement of any committed offender.

17 Sec. 7. In any criminal proceeding in which the death  
18 penalty has been imposed but not carried out prior to the effective  
19 date of this act, it is the intent of the Legislature that such  
20 penalty shall be changed to life imprisonment without possibility  
21 of parole.

22 Sec. 8. Section 83-1,110.02, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 83-1,110.02 (1) A committed offender who is otherwise  
25 eligible for parole, who is not under sentence of ~~death~~-life  
26 imprisonment without possibility of parole or of life imprisonment,  
27 and who because of an existing medical or physical condition is  
1 determined by the department to be terminally ill or permanently  
2 incapacitated may be considered for medical parole by the board. A  
3 committed offender may be eligible for medical parole in addition  
4 to any other parole. The department shall identify committed  
5 offenders who may be eligible for medical parole based upon their  
6 medical records.

7 (2) The board shall decide to grant medical parole only  
8 after a review of the medical, institutional, and criminal records  
9 of the committed offender and such additional medical evidence  
10 from board-ordered examinations or investigations as the board in  
11 its discretion determines to be necessary. The decision to grant  
12 medical parole and to establish conditions of release on medical  
13 parole in addition to the conditions stated in subsection (3) of  
14 this section is within the sole discretion of the board.

15 (3) As conditions of release on medical parole, the board  
16 shall require that the committed offender agree to placement for  
17 medical treatment and that he or she be placed for a definite or  
18 indefinite period of time in a hospital, a hospice, or another  
19 housing accommodation suitable to his or her medical condition,  
20 including, but not limited to, his or her family's home, as  
21 specified by the board.

22 (4) The parole term of a medical parolee shall be for  
23 the remainder of his or her sentence as reduced by any adjustment  
24 for good conduct pursuant to the Nebraska Treatment and Corrections

25 Act.

26 Sec. 9. Section 83-4,143, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1 83-4,143 (1) It is the intent of the Legislature that  
2 the court target the felony offender (a) who is eligible and  
3 by virtue of his or her criminogenic needs is suitable to be  
4 sentenced to intensive supervision probation with placement at the  
5 incarceration work camp, (b) for whom the court finds that other  
6 conditions of a sentence of intensive supervision probation, in  
7 and of themselves, are not suitable, and (c) who, without the  
8 existence of an incarceration work camp, would, in all likelihood,  
9 be sentenced to prison.

10 (2) When the court is of the opinion that imprisonment is  
11 appropriate, but that a brief and intensive period of regimented,  
12 structured, and disciplined programming within a secure facility  
13 may better serve the interests of society, the court may place an  
14 offender in an incarceration work camp for a period not to exceed  
15 one hundred eighty days as a condition of a sentence of intensive  
16 supervision probation. The court may consider such placement if the  
17 offender (a) is a male or female offender convicted of a felony  
18 offense in a district court, (b) is medically and mentally fit  
19 to participate, with allowances given for reasonable accommodation  
20 as determined by medical and mental health professionals, and (c)  
21 has not previously been incarcerated for a violent felony crime.  
22 Offenders convicted of a crime under ~~sections~~ section 28-303 or  
23 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to be  
24 placed in an incarceration work camp.

25 (3) It is also the intent of the Legislature that the  
26 Board of Parole may recommend placement of felony offenders at  
27 the incarceration work camp. The offenders recommended by the  
1 board shall be offenders currently housed at other Department  
2 of Correctional Services adult correctional facilities and shall  
3 complete the incarceration work camp programming prior to release  
4 on parole.

5 (4) When the Board of Parole is of the opinion that  
6 a felony offender currently incarcerated in a Department of  
7 Correctional Services adult correctional facility may benefit  
8 from a brief and intensive period of regimented, structured, and  
9 disciplined programming immediately prior to release on parole, the  
10 board may direct placement of such an offender in an incarceration  
11 work camp for a period not to exceed one hundred eighty days as  
12 a condition of release on parole. The board may consider such  
13 placement if the felony offender (a) is medically and mentally fit  
14 to participate, with allowances given for reasonable accommodation  
15 as determined by medical and mental health professionals, and (b)  
16 has not previously been incarcerated for a violent felony crime.  
17 Offenders convicted of a crime under ~~sections~~ section 28-303 or  
18 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to be  
19 placed in an incarceration work camp.

20 (5) The Director of Correctional Services may assign a  
 21 felony offender to an incarceration work camp if he or she believes  
 22 it is in the best interests of the felony offender and of society,  
 23 except that offenders convicted of a crime under ~~sections-section~~  
 24 ~~28-303 or 28-319 to 28-321 or of any capital crime 28-322.04~~ are  
 25 not eligible to be assigned to an incarceration work camp pursuant  
 26 to this subsection.

27 Sec. 10. Original sections 28-104, 28-303, 29-1602, and  
 1 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections  
 2 28-105 and 83-4,143, Revised Statutes Cumulative Supplement, 2012,  
 3 are repealed.

4 Sec. 11. The following sections are outright repealed:  
 5 Sections 24-1105, 28-105.01, 29-2519, 29-2521, 29-2521.01,  
 6 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01,  
 7 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, and 83-1,132,  
 8 Reissue Revised Statutes of Nebraska, and sections 29-2520,  
 9 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540,  
 10 29-2541, 29-2542, 29-2543, 29-2546, 83-1,105.01, 83-964, 83-965,  
 11 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised  
 12 Statutes Cumulative Supplement, 2012.

The second Coash amendment is as follows:  
 AM1369 is available in the Bill Room.

The third Coash amendment is as follows:  
 AM1366

1 1. Strike the original sections and insert the following  
 2 new sections:

3 Section 1. Section 23-3406, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 23-3406 (1) The contract negotiated between the county  
 6 board and the contracting attorney shall specify the categories of  
 7 cases in which the contracting attorney is to provide services.

8 (2) The contract negotiated between the county board and  
 9 the contracting attorney shall be awarded for at least a two-year  
 10 term. Removal of the contracting attorney short of the agreed term  
 11 may be for good cause only.

12 (3) The contract between the county board and the  
 13 contracting attorney may specify a maximum allowable caseload for  
 14 each full-time or part-time attorney who handles cases under the  
 15 contract. Caseloads shall allow each lawyer to give every client  
 16 the time and effort necessary to provide effective representation.

17 (4) The contract between the county board and the  
 18 contracting attorney shall provide that the contracting attorney be  
 19 compensated at a minimum rate which reflects the following factors:

20 (a) The customary compensation in the community for  
 21 similar services rendered by a privately retained counsel to a  
 22 paying client or by government or other publicly paid attorneys to  
 23 a public client;



- 1 (b) The time and labor required to be spent by the  
2 attorney; and
- 3 (c) The degree of professional ability, skill, and  
4 experience called for and exercised in the performance of the  
5 services.
- 6 (5) The contract between the county board and the  
7 contracting attorney shall provide that the contracting attorney  
8 may decline to represent clients with no reduction in compensation  
9 if the contracting attorney is assigned more cases which require an  
10 extraordinary amount of time and preparation than the contracting  
11 attorney can competently handle.
- 12 (6) The contract between the contracting attorney and  
13 the county board shall provide that the contracting attorney shall  
14 receive at least ten hours of continuing legal education annually  
15 in the area of criminal law. The contract between the county board  
16 and the contracting attorney shall provide funds for the continuing  
17 legal education of the contracting attorney in the area of criminal  
18 law.
- 19 (7) The contract between the county board and the  
20 contracting attorney shall require that the contracting attorney  
21 provide legal counsel to all clients in a professional, skilled  
22 manner consistent with minimum standards set forth by the American  
23 Bar Association and the Canons of Ethics for Attorneys in the  
24 State of Nebraska. The contract between the county board and the  
25 contracting attorney shall provide that the contracting attorney  
26 shall be available to eligible defendants upon their request, or  
27 the request of someone acting on their behalf, at any time the  
1 Constitution of the United States or the Constitution of Nebraska  
2 requires the appointment of counsel.
- 3 (8) The contract between the county board and the  
4 contracting attorney shall provide for reasonable compensation  
5 over and above the normal contract price for cases which require an  
6 extraordinary amount of time and preparation, ~~including capital~~  
7 ~~cases.~~
- 8 Sec. 2. Section 24-1106, Reissue Revised Statutes of  
9 Nebraska, is amended to read:
- 10 24-1106 (1) In cases which were appealable to the Supreme  
11 Court before September 6, 1991, the appeal, if taken, shall be to  
12 the Court of Appeals except in ~~capital cases~~, cases in which life  
13 imprisonment without possibility of parole has been imposed; and  
14 cases involving the constitutionality of a statute.
- 15 (2) Any party to a case appealed to the Court of Appeals  
16 may file a petition in the Supreme Court to bypass the review  
17 by the Court of Appeals and for direct review by the Supreme  
18 Court. The procedure and time for filing the petition shall be  
19 as provided by rules of the Supreme Court. In deciding whether to  
20 grant the petition, the Supreme Court may consider one or more of  
21 the following factors:
- 22 (a) Whether the case involves a question of first

23 impression or presents a novel legal question;

24 (b) Whether the case involves a question of state or  
25 federal constitutional interpretation;

26 (c) Whether the case raises a question of law regarding  
27 the validity of a statute;

1 (d) Whether the case involves issues upon which there is  
2 an inconsistency in the decisions of the Court of Appeals or of the  
3 Supreme Court; and

4 (e) Whether the case is one of significant public  
5 interest.

6 When a petition for direct review is granted, the case  
7 shall be docketed for hearing before the Supreme Court.

8 (3) The Supreme Court shall by rule provide for the  
9 removal of a case from the Court of Appeals to the Supreme Court  
10 for decision by the Supreme Court at any time before a final  
11 decision has been made on the case by the Court of Appeals. The  
12 removal may be on the recommendation of the Court of Appeals or on  
13 motion of the Supreme Court. Cases may be removed from the Court of  
14 Appeals for decision by the Supreme Court for any one or more of  
15 the reasons set forth in subsection (2) of this section or in order  
16 to regulate the caseload existing in either the Court of Appeals  
17 or the Supreme Court. The Chief Judge of the Court of Appeals and  
18 the Chief Justice of the Supreme Court shall regularly inform each  
19 other of the number and nature of cases docketed in the respective  
20 court.

21 Sec. 3. Section 25-1140.09, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 25-1140.09 On the application of the county attorney or  
24 any party to a suit in which a record of the proceedings has  
25 been made, ~~upon receipt of the notice provided in section 29-2525,~~  
26 or upon the filing of a praecipe for a bill of exceptions by an  
27 appealing party in the office of the clerk of the district court  
1 as provided in section 25-1140, the court reporter shall prepare  
2 a transcribed copy of the proceedings so recorded or any part  
3 thereof. The reporter shall be entitled to receive, in addition  
4 to his or her salary, a per-page fee as prescribed by the Supreme  
5 Court for the original copy and each additional copy, to be paid by  
6 the party requesting the same except as otherwise provided in this  
7 section.

8 When the transcribed copy of the proceedings is required  
9 by the county attorney, the fee therefor shall be paid by the  
10 county in the same manner as other claims are paid. When the  
11 defendant in a criminal case, after conviction, makes an affidavit  
12 that he or she is unable by reason of his or her poverty to pay  
13 for such copy, the court or judge thereof may, by order endorsed  
14 on such affidavit, direct delivery of such transcribed copy to such  
15 defendant, and the fee shall be paid by the county in the same  
16 manner as other claims are allowed and paid. ~~When such copy is  
17 prepared in any criminal case in which the sentence adjudged is~~

18 ~~capital, the fees therefor shall be paid by the county in the same~~  
 19 ~~manner as other claims are allowed or paid.~~

20 The fee for preparation of a bill of exceptions and  
 21 the procedure for preparation, settlement, signature, allowance,  
 22 certification, filing, and amendment of a bill of exceptions shall  
 23 be regulated and governed by rules of practice prescribed by the  
 24 Supreme Court. The fee paid shall be taxed, by the clerk of the  
 25 district court, to the party against whom the judgment or decree  
 26 is rendered except as otherwise ordered by the presiding district  
 27 judge.

1 Sec. 4. Section 55-480, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 55-480 Though not specifically mentioned in ~~this code,~~  
 4 the Nebraska Code of Military Justice, all disorders and neglects  
 5 to the prejudice of good order and discipline in the armed forces,  
 6 all conduct of a nature to bring discredit upon the armed forces,  
 7 and ~~all crimes and offenses not capital,~~ of which persons subject  
 8 to ~~this the~~ code may be guilty, shall be taken cognizance of by a  
 9 court-martial, according to the nature and degree of the offense,  
 10 and shall be punished at the discretion of that court.

11 Sec. 5. Original sections 23-3406, 24-1106, 25-1140.09,  
 12 and 55-480, Reissue Revised Statutes of Nebraska, are repealed.

Senator McCoy reoffered his motion, MO67, found in this day's Journal, to bracket until June 5, 2013.

## **SENATOR CARLSON PRESIDING**

Senator McCoy withdrew his motion to bracket.

Senator Ashford offered the following motion:

MO68

Bracket until June 5, 2013.

Pending.

## **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 183.** Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study Nebraska's drainage statutes as they apply to drainage by neighboring landowners under section 31-201 and other related statutes. While much of the law governing landowner drainage disputes has been developed by the Nebraska courts, statutory drainage laws also play an important role in these matters. Statutes relating to drainage by neighboring landowners were passed in 1911 and have not seen any statutory changes made to them since that time. This study shall evaluate and determine the adequacy and effectiveness of the current statutory scheme and examine the potential for improvements,

including the costs and benefits of requiring a petition or hearing process before the construction of new open ditches or tile drains or before any changes are made to current drainage systems by neighboring landowners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 184.** Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the costs and benefits associated with lowering the age of majority to eighteen years of age. Nebraska's current age of majority is nineteen years old with exceptions to allow minors who are eighteen years old to enter into contracts and leases and make their own health care decisions with parental consent. This study shall determine which statutes would be affected by lowering the age of majority, and evaluate which statutes should keep the current age of majority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 185.** Introduced by Krist, 10.

WHEREAS, Leighanne Loges, a rookie officer with the Omaha Police Department, had only been on her second day of patrol when she responded to an emergency radio call in West Omaha; and

WHEREAS, upon arriving at the scene, Officer Loges found a 26-year-old mother of a 5-year-old girl who had collapsed on the sidewalk and who was not breathing; and

WHEREAS, Officer Loges called for emergency medical help and finding no pulse on the collapsed woman, immediately began chest compressions and successfully revived her.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature commends Officer Leighanne Loges for her life-saving actions and for setting a high standard of professionalism for her fellow law enforcement officers.

2. That a copy of this resolution be sent to Officer Leighanne Loges.

Laid over.

**LEGISLATIVE RESOLUTION 186.** Introduced by Krist, 10.

**PURPOSE:** The purpose of this resolution is to study issues related to enactment of a tax-credit scholarship program as contemplated by LB 14, which was introduced in 2013 and referred to the Revenue Committee. Twelve states now have tax-credit scholarship programs in place: Alabama, Arizona, Florida, Indiana, Iowa, Georgia, Louisiana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, and Virginia. Parental choice in education is in itself a basic human good, and parental choice in education is a cherished freedom that is widely available, widely practiced, and supported by public policy but only for families with sufficient means to live near a desirable public school or to pay tuition for private education. It is in the best interest of Nebraska to expand quality educational opportunities for all of its children. Nebraskans deserve educational policies and structures that will enable all parents, not just those that are financially fortunate, to choose the school that will best help them to fulfill their responsibility to their children. This study shall include, but not be limited to, an examination of the following:

(1) The opportunities that would be created by the Elementary and Secondary Educational Opportunity Act tax-credit in Nebraska and the fiscal impact of such a program;

(2) Enrollment patterns in public and private schools;

(3) Recent trends in private school attrition rates and their related economic factors;

(4) The possibility of passage of a Pennsylvania-style blended public-private tax-credit program;

(5) The regulatory impact on public and private schools; and

(6) The potential cost savings for state and local taxpayers and the State of Nebraska by enacting a tax-credit scholarship program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 187.** Introduced by B. Harr, 8; Gloor, 35.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska's business entity statutes should be updated. In particular, the study should include a review of Nebraska's Business Corporation Act and the Model Business Corporation Act as approved and promulgated by the Corporate Laws Committee of the Business Law Section of the American Bar Association, on which the Nebraska act is based, in order to consider whether Nebraska should adopt changes made in the model act by the American Bar Association since 1995 when the current version of the Nebraska act was adopted.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and should consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 188.** Introduced by Gloor, 35.

**PURPOSE:** The purpose of this resolution is to examine issues relating to the implementation of the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as it pertains to Nebraska, including establishment and operation of a health insurance exchange through which qualified health plans are to be offered to Nebraskans.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were 40 fourth-grade students and teachers from Two Springs Elementary, Bellevue; 50 fourth-grade students, teachers, and sponsors from Plattsmouth; and 68 fourth-grade students and teachers from Bryan Elementary, Omaha.

**RECESS**

At 12:03 p.m., on a motion by Senator Gloor, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senator Lautenbaugh who was excused until he arrives.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** The Ashford motion, MO68, found in this day's Journal, to bracket until June 5, 2013, was renewed.

Pending.

**MESSAGE FROM THE GOVERNOR**

May 13, 2013

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 553e and LB 553Ae without my signature and with my objections.

I appreciate the work of Senator Nordquist and the Retirement Committee on this complex issue.

Nebraska has taken pride in making certain that our state public employee retirement plans are well managed and solvent. Unlike some very highly troubled plans in other states or in some Nebraska municipal police and

firefighter plans, the state retirement plans are not in peril. Still, our plans face short-term and long-term challenges.

LB 553 primarily addresses the short-term challenge of the school, state patrol, and judges' retirement plans by changing the amortization method to a level percent of pay for all of these plans beginning on July 1, 2013. I support that change. However, I do not believe the proposed long-term changes contained in the bill are wise or warranted at this time.

I object to the provisions of LB 553 that shift from our traditional balanced approach of having the employee, the employer school district, and the state taxpayers address the problem equitably. Specifically, while the bill retains the current participant teacher contribution rate at 9.78%, it increases the state taxpayers' contribution rate from 1% to 2% – which is a 100% increase that will cost the state approximately \$20 million each year.

Over the next 25 years, the increased state contribution from that change alone will cost state taxpayers over \$500 million dollars. LB 553 also maintains the 101% school district match of employee contributions. This means local property taxpayers will continue to contribute over \$23 million more each year to this plan. These changes are unfair to the taxpayers.

Further, the current rate of investment return of 8% is too high and unrealistic. Public pension accounting practices are widely criticized for understating pension liabilities by maintaining unrealistic market assumptions on investment returns. Yet, according to the actuarial study that was completed for LB 553, state taxpayers will again be asked to contribute to the school retirement plan if the assumed rate of return is lowered.

Before implementing any long-term changes, there should be a public study during the interim about the comprehensive, extended options that are available regarding the school retirement system. That study should include the cost of a more realistic assumption on the rates of return for these plans – likely closer to 6% or 7% – so that policymakers and citizens will have a complete understanding of the liabilities facing the school retirement system. I fully commit to work with you to develop long-term funding options.

I urge you to amend and pass a different bill yet this session that would contain the level percent of pay amortization change which will address the short-term challenges with the school, state patrol, and judges' retirement plans. I will sign that bill into law this year. That would allow the amortization method change to take place, as suggested in LB 553, on July 1, 2013.

Also, I will not line-item veto the \$20 million that is currently contained in the mainline budget bill, LB 195. Those funds are currently budgeted to finance the changes in LB 553; however, I believe they should remain in the budget bill to begin to address long-term funding solutions.



The Nebraska State Education Association, the Nebraska Council of School Administrators, and the Nebraska Association of School Boards support this legislation. However, the bill does not present comprehensive, long-term solutions to the defined benefit pension plans. In addition to the school lobby, the taxpayers should also have a seat at the negotiating table to develop transparent long-range solutions.

For these reasons, I respectfully urge you to sustain my vetoes of these bills, to pass a different bill this year to address the immediate amortization method issue, and to conduct an open and comprehensive interim study of the under-funded school retirement system.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bucklin, Michelle - Environmental Quality Council - Natural Resources  
Citta, Joseph, Jr. - Environmental Quality Council - Natural Resources  
Czaplewski, Mark - Environmental Quality Council - Natural Resources  
Gangwish, Rodney - Environmental Quality Council - Natural Resources  
Hall, Robert - Environmental Quality Council - Natural Resources  
Hedquist, Lance - Environmental Quality Council - Natural Resources  
Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

### **GENERAL FILE**

**LEGISLATIVE BILL 543.** The Ashford motion, MO68, found in this day's Journal, to bracket until June 5, 2013, was renewed.

### **SENATOR KRIST PRESIDING**

Senator McGill moved the previous question. The question is, "Shall the debate now close?"

Senator McGill moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

The Ashford motion to bracket failed with 18 ayes, 26 nays, 4 present and

not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB561:  
AM1327 is available in the Bill Room.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 23A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 269A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 407.** Placed on Final Reading.

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 195.** Placed on Select File with amendment.  
ER99 is available in the Bill Room.

**LEGISLATIVE BILL 198.** Placed on Select File with amendment.  
ER100 is available in the Bill Room.

**LEGISLATIVE BILL 199.** Placed on Select File with amendment.  
ER101

- 1 1. In the Standing Committee amendments, AM659:
- 2 a. On page 3, lines 1 and 8, strike "subdivisions" and
- 3 insert "subsections";
- 4 b. On page 30, line 7, strike ", and" and insert "and";
- 5 in line 18 strike "then" and insert "and"; and in line 19 strike
- 6 "Not" and insert "Second, not"; and
- 7 c. On page 33, line 11, strike the new matter and insert
- 8 "The State Treasurer shall transfer"; and in line 12 strike "shall
- 9 be transferred" and insert "on or before July 15, 2013".
- 10 2. On page 1, strike beginning with "32-1610" in
- 11 line 1 through line 4 and insert "8-1120, 45-621, 53-117.03,
- 12 53-117.06, 68-1604, 81-2004.02, 81-2004.05, and 81-2004.08, Reissue
- 13 Revised Statutes of Nebraska, and sections 43-3718, 43-3719,
- 14 43-3720, 58-703, 58-706, 59-1608.04, 60-6,211.05, 71-7611, 72-815,
- 15 81-3119, 82-331, 82-332, and 84-510, Revised Statutes Cumulative
- 16 Supplement,"; and strike line 6 and insert "provide, change, and
- 17 eliminate the source and use of certain funds; to change provisions

18 relating to grants for court appointed special advocate programs,  
 19 fees for liquor enforcement training, and housing assistance; to  
 20 authorize the sale and disposition of proceeds of certain".

**LEGISLATIVE BILL 200.** Placed on Select File.

(Signed) John Murante, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 543.** The first Coash amendment, AM1367, found in this day's Journal, was offered.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 194.** Placed on Select File with amendment. ER97 is available in the Bill Room.

**LEGISLATIVE BILL 536.** Placed on Select File.

(Signed) John Murante, Chairperson

### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB200:  
 AM1346

(Amendments to AM1124)

- 1 1. On page 3, strike lines 22 through 26.

Senator Mello filed the following amendment to LB198:  
 AM1323

(Amendments to E & R amendments, ER100)

- 1 1. Purpose: To correct a drafting error and harmonize an
- 2 amount referenced in intent language with appropriations provided
- 3 on page 18, lines 19 and 20.
- 4 Amendment:
- 5 a. On page 19, line 8, strike "\$2,016,000" and insert
- 6 "\$2,216,000".
- 7 2. Purpose: The Game and Parks Commission indicated that
- 8 a portion of the current cash fund appropriation authority for
- 9 capital construction projects is unneeded and could be lapsed
- 10 for projects that have been completed or canceled. This amendment
- 11 would correct the dollar amount of the cash fund lapses that were
- 12 contained in AM658.
- 13 Amendment:
- 14 a. On page 33, line 7, strike "\$978,742.58" and insert

15 "\$798,860.58"; and in line 9 strike "\$647,066.22" and insert  
 16 "\$629,365.49".

17 3. Purpose: To amend an enumeration of budget program  
 18 numbers for which undisbursed balances are to be reappropriated for  
 19 the 2013-15 biennium.

20 Amendment:

21 a. On page 33, line 26, before "915" insert "914,;" and  
 22 in line 27 strike "939,".

1 b. On page 34, line 2, strike "and" and after the last  
 2 comma insert "and 998,".

Senator Mello filed the following amendment to LB195:  
 AM1325

(Amendments to E & R amendments, ER99)

1 1. Purpose: To strike language inadvertently left in for  
 2 FY2014-15.

3 Amendment:

4 a. On page 8, strike beginning with "except" in line 23  
 5 through "Court" in line 24.

6 2. Purpose: To eliminate obsolete language.

7 Amendment:

8 a. On page 11, strike beginning with "Any" in line 4  
 9 through line 9.

10 3. Purpose: Reduce Tax Equity and Educational  
 11 Opportunities Support Act state aid by \$5,693,014 of general funds  
 12 in FY2013-14 to reflect increased insurance premium receipts which  
 13 are used to offset general funds.

14 Amendment:

15 a. On page 24, line 3, strike "1,116,517,792" and insert  
 16 "1,110,824,778"; in line 6 strike "1,410,647,868" and insert  
 17 "1,404,954,854"; in line 8 strike "\$1,116,517,792" and insert  
 18 "\$1,110,824,778"; and in line 16 strike "\$890,581,331" and insert  
 19 "\$884,888,317".

20 4. Purpose: Change description of use of funds.

21 Amendment:

22 a. On page 35, lines 20 and 23, strike "a revenue auditor  
 1 specialist" and insert "staff necessary to audit and enforce  
 2 provisions of the tobacco Master Settlement Agreement".

3 5. Purpose: Correct personal services limits.

4 Amendment:

5 a. On page 35, strike line 16 and insert "SALARY LIMIT  
 6 15,912,953 16,333,080".

7 b. On page 36, strike line 24 and insert "SALARY LIMIT  
 8 1,284,501 1,313,380".

9 c. On page 37, strike line 5 and insert "SALARY LIMIT  
 10 1,576,326 1,611,764".

11 6. Purpose: Reappropriate to FY2013-14 the unexpended  
 12 General Fund appropriation provided in the deficit bill (FY2012-13)  
 13 for replacement of the airplane. In the event the purchase of the

14 plane does not take place prior to July 1, 2013, this will allow  
15 the appropriation to carry forward into FY2013-14.

16 Amendment:

17 a. On page 39, after line 18, insert the following:

18 "The unexpended General Fund appropriation balance in  
19 this program existing on June 30, 2013, is hereby reappropriated."

20 7. Purpose: Correction of Agriculture Department drafting  
21 error.

22 Amendment:

23 a. On page 40, line 6, strike "5,991,576" and insert  
24 "5,911,576".

25 8. Purpose: Correction of State Energy Office drafting  
26 error.

27 Amendment:

1 a. On page 139, line 25, strike "7,759,576" and insert  
2 "7,759,567".

3 9. Purpose: Department of Economic Development requested  
4 change in earmark to allow funding to be used for Japan office in  
5 addition to China office.

6 Amendment:

7 a. On page 142, strike lines 16 through 19 and insert:

8 "There is included in the appropriation to this program  
9 for FY2013-14 \$150,000 General Funds and for FY2014-15 \$150,000  
10 General Funds to provide funding for international trade offices in  
11 Japan and China."

12 10. Purpose: Correction of Tax Equalization and Review  
13 Commission drafting error.

14 Amendment:

15 a. On page 160, line 16, strike "716,609" and insert  
16 "716,009".

17 11. Purpose: To correct a cash fund error.

18 Amendment:

19 a. On page 162, line 11, after "Fund" insert ", Nebraska  
20 Statutes Cash Fund"; and in line 14 strike "Nebraska Statutes Cash  
21 Fund,".

Senator Mello filed the following amendment to LB199:  
AM1353

(Amendments to AM659)

1 Purpose: To designate the State Treasurer as the state  
2 officer to make certain transfers among specified funds rather than  
3 the State Building Administrator.

4 Amendment:

5 1. On page 30, lines 15 and 16, strike "State Building  
6 Administrator" and insert "State Treasurer".

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 189.** Introduced by McGill, 26.

**PURPOSE:** The purpose of this resolution is to examine chapters 14 through 19 of the Revised Statutes of Nebraska to harmonize language, policies, and practices, as appropriate, regarding the different classifications of cities and villages in the state.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 190.** Introduced by McGill, 26.

**PURPOSE:** The purpose of this resolution is to examine the 2012 versions of the International Residential Code, the International Building Code, and the International Energy Conservation Code to determine whether the Legislature should update the current state building code to the 2012 versions of these codes.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 216A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

**MOTIONS - Print in Journal**

Senator Nordquist filed the following motion to LB553:

MO69

Becomes law notwithstanding the objections of the Governor.

Senator Nordquist filed the following motion to LB553A:

MO70

Becomes law notwithstanding the objections of the Governor.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** Senator Carlson offered the following amendment to the first Coash amendment:

FA77

Amend AM1367

Page 1, after Section 1, insert: Life is the most valuable possession of a human being. The State of Nebraska should exercise utmost care to protect its resident's lives, born and unborn, from homicide, accident, and arbitrary taking by the state.

**SENATOR GLOOR PRESIDING****SENATOR KRIST PRESIDING**

Senator Ashford moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Adams	Conrad	Hadley	Lathrop	Scheer
Ashford	Crawford	Harms	McGill	Schumacher
Bolz	Davis	Johnson	Murante	Seiler
Campbell	Dubas	Kolowski	Nordquist	Sullivan
Coash	Haar, K.	Krist	Pirsch	Wallman

Voting in the negative, 3:

Bloomfield	Chambers	Karpisek
------------	----------	----------

Present and not voting, 18:

Avery	Gloor	Janssen	McCoy	Schilz
Brasch	Hansen	Kintner	Mello	Smith
Carlson	Harr, B.	Larson	Nelson	
Christensen	Howard	Lautenbaugh	Price	

Excused and not voting, 3:

Cook	Watermeier	Wightman
------	------------	----------

The motion to cease debate prevailed with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Senator Carlson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 26:

Bloomfield	Davis	Janssen	Murante	Seiler
Brasch	Dubas	Johnson	Nelson	Smith
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Larson	Price	
Coash	Hansen	Lautenbaugh	Scheer	
Crawford	Harms	McCoy	Schilz	

Voting in the negative, 6:

Ashford	Haar, K.	Krist
Conrad	Karpisek	Schumacher

Present and not voting, 14:

Adams	Campbell	Howard	McGill	Sullivan
Avery	Chambers	Kolowski	Mello	Wallman
Bolz	Harr, B.	Lathrop	Nordquist	

Excused and not voting, 3:

Cook	Watermeier	Wightman
------	------------	----------

The Carlson amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO71

Reconsider the vote taken on FA77.

Senator Ashford moved the previous question. The question is, "Shall the



debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Chambers motion to reconsider prevailed with 29 ayes, 5 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Carlson amendment, FA77, found in this day's Journal, was reconsidered.

Senator Carlson withdrew his amendment.

The first Coash amendment, AM1367, found in this day's Journal, was renewed.

Pending.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 556A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, One Hundred Third Legislature, First Session, 2013.

### **AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB543:  
AM1380

(Amendments to AM1367)

- 1 1. Strike section 7 and renumber the remaining sections
- 2 accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Conrad asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 16 fifth- and sixth-grade students, teachers, and sponsors from Thedford; 9 seventh- and eighth-grade students and

teachers from Deshler Lutheran School; and 40 fifth-grade students and teachers from Boone Central, Albion.

### **ADJOURNMENT**

At 5:59 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, May 14, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature